

Darren G. Reid (11163)
Brandon T. Christensen (16420)
HOLLAND & HART LLP
222 South Main Street, Suite 2200
Salt Lake City, Utah 84101
Telephone: (801) 799-5800
Facsimile: (801) 799-5700
dgreid@hollandhart.com
btchristensen@hollandhart.com

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

SMASH TECHNOLOGY, LLC, a Nevada limited liability company; and MICHAEL ALEXANDER, an individual;

Plaintiffs,

vs.

SMASH SOLUTIONS, LLC, a Delaware limited liability company; JERRY “J.J.” ULRICH, an individual; SMASH INNOVATIONS, LLC, a Wyoming limited liability company; and FERACODE, LLC, a Utah limited liability company;

Defendants.

**STIPULATED MOTION TO EXTEND
DISCOVERY DEADLINE AND AMEND
SCHEDULING ORDER**

Case No. 2:19-cv-00105-TC

Judge Tena Campbell

Plaintiff and Counterclaim Defendants, Smash Technology, LLC and Michael Alexander (“Plaintiffs”), and Defendant and Counterclaim Plaintiffs Smash Solutions and Jerry “J.J.” Ulrich and Defendant Feracode, LLC (collectively “Defendants”), by and through their respective counsel of record, hereby stipulate and jointly move the Court for entry of an Order amending the Scheduling Order signed by the Court on March 29, 2019 (Doc. #25). In support of this

motion, the parties state that they have been working collaboratively to exchange information in effectuating the discovery process and have completed some written discovery and are in the process of finalizing additional written discovery.

Similar to Mr. Ulrich's personal health situation at the outset of this case, which required additional time to respond to Plaintiff's complaint, Mr. Alexander has recently suffered a stroke and other related symptoms while residing in Bali, requiring hospital stays and preventing him from participating in the case at any meaningful level. The parties' counsel has met and conferred and agreed that a sixty (60) day extension of the discovery deadline (currently December 20, 2019) and other corresponding dates is appropriate. Accordingly, the parties respectfully request that the Court extend the deadlines as described below, and thereby adjust the dates under the current *Trial and Preparation for Trial* heading in the Scheduling Order to meet the needs of the Court's schedule. All other dates may remain the same.

****ALL TIMES 4:30 PM UNLESS INDICATED****

2. DISCOVERY LIMITATIONS	NUMBER
a. Maximum number of depositions by Plaintiff(s):	<u>15</u>
b. Maximum number of depositions by Defendant(s):	<u>15</u>
c. Maximum number of hours for each deposition (unless extended by agreement of parties):	<u>7</u>
d. Maximum interrogatories by any party to any party:	<u>25</u>
e. Maximum requests for admissions by any party to any party:	<u>25</u>
f. Maximum requests for production by any party to any party:	<u>50</u>

- g. The parties shall handle discovery of electronically stored information as follows: The parties do not anticipate any unusual circumstances regarding electronically stored information that would necessitate a special provision. All electronically stored information will be produced via file share service, DropBox, flash drive, or other similar facility. The Standard Protective Order adopted by DUCivR 26-2 will apply to the exchange of electronically stored information.
- h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: *Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).*
- i. Last day to serve written discovery: 1/8/20
- j. Close of fact discovery: 2/20/20
- k. (*optional*) Final date for supplementation of disclosures and discovery under Rule 26(e): 2/20/20

4. RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS **DATE**

Disclosures (subject and identity of experts)

- a. Party(ies) bearing burden of proof: 3/3/20
- b. Counter disclosures: 3/24/20

Reports

- a. Party(ies) bearing burden of proof: 6/3/20
- b. Counter reports: 7/1/20

5. OTHER DEADLINES **DATE**

- a. Last day for expert discovery: 8/19/20
- b. Deadline for filing dispositive or potentially dispositive motions: 9/17/20
- c. Deadline for filing partial or complete motions to exclude expert testimony: 9/17/20

6.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
a.	Likely to request referral to a magistrate judge for settlement conference:	<u>No</u>
b.	Likely to request referral to court-annexed arbitration:	<u>No</u>
c.	Likely to request referral to court-annexed mediation:	<u>No</u>
d.	The parties will complete private mediation/arbitration by:	<u>2/20/20</u>

DATED this 5th day of December, 2019.

HOLLAND & HART, LLP

/s/ Darren G. Reid
Darren G. Reid
Brandon T. Christensen
Attorneys for Plaintiff

DATED this 5th day of December, 2019.

RICHARDS BRANDT MILLER NELSON

/s/ Matthew C. Barneck
(Signed by filing attorney with permission of Matthew C. Barneck)
Matthew C. Barneck
Zachary E. Peterson
Kristina H. Ruedas
Attorneys for Defendants Smash Solutions and Jerry "J.J." Ulrich

DATED this 5th day of December, 2019.

GOEBEL ANDERSON PC

/s/ Heidi G. Goebel
(Signed by filing attorney with permission of Heidi G. Goebel)
Heidi G. Goebel
Eric K. Jenkins
Zachary E. Peterson
Attorneys for Defendant Feracode, LLC